

## REMARKS

This amendment is responsive to the outstanding Office Action, and is accompanied by a Request for Continued Examination (RCE) and RCE fee, under 37 CFR 1.114. Entry of the foregoing amendment and consideration of the amendment is therefore respectfully requested.

Applicants have deleted claims 1-230. As such, the rejections in the office action are now moot. New claims 231-278 have been added. No new matter has been added

### Rejections Under 35 U.S.C. § 101

The Office Action has rejected claims 75-81, 83-85, 114-119, 122-125, 130-133, 151-160, 161-170, 172-177, 180-189, 191-193, 204-208, 217-218, 221-224 and 227-228 under 35 U.S.C. § 101 because the claimed subject matter is allegedly directed to non-statutory subject matter.

Claims 75-81, 83-85, 114-119, 122-125, 130-133, 151-160, 161-170, 172-177, 180-189, 191-193, 204-208, 217-218, 221-224 and 227-228 have been deleted. As such, the rejections based on 35 U.S.C. § 101 are now moot.

Utilizing the two-prong test identified in the Office Action of March 31, 2005, the newly added claims accomplish a practical application. First, the newly added claims produce a useful and tangible result, i.e. the claims teach how to utilize the Internet and electronic funds transfer to facilitate the distribution of a predetermined benefit of an actual closing of a transaction to at least one of a plurality of providers and at least one of a plurality of beneficiary groups. Second, the newly added claims recite technology, as the claimed invention is an operation that must be performed by a computer or electronic data processing system capable of communicating with other such devices and systems. This is illustrated, by example, in newly added independent claims 231 and 255 in that the method must utilize a computer to access a provider's web site via

the Internet.

Rejections Under 35 U.S.C. § 102(e)

The Office Action has rejected claims 75-85, 92-101, 114-119, 122-125, 129-133, 139, 151-177, 180-206, 209-210, 213-214, 217-218, 221-224 and 227-228 under 35 U.S.C. § 102(e) as being anticipated by Burke (US Patent No. 6,112,191).

Claims 75-85, 92-101, 114-119, 122-125, 129-133, 139, 151-177, 180-206, 209-210, 213-214, 217-218, 221-224 and 227-228 have been deleted. As such, the rejections based on 35 U.S.C. § 102(e) are now moot.

Furthermore, to anticipate a claim under 35 U.S.C. sections 102(a), (b), or (e), the reference must teach each and every element as set forth in the claim, either expressly or inherently described, in a single prior art reference." (Emphasis added) (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631; see also MPEP 2131.) "The identical invention must be shown in as complete detail as is contained in the claim." (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); see also MPEP 2131.) Further, any claim depending from base claims not anticipated or made obvious by the prior art also are not anticipated or made obvious by the prior art since the dependent claims comprise all of the elements of the base claim.

The Burke patent does not teach each and every element of newly added independent claims 231 and 255. Specifically, Burke fails to teach or suggest a system or method that utilizes the Internet and/or an electronic funds transfer system to facilitate the distribution of the predetermined benefit to at least one of a plurality of providers and to at least one of a plurality of beneficiary groups, and to a service provider. In the present invention, a user is associated with beneficiary groups to benefit from a closing of the transaction over the Internet or other computer-based data processing and communications system. The user then selects at least one provider by accessing the provider's Internet website, transacts business with the provider by purchasing a good, service or information which then authorizes a service entity to distribute the predetermined benefit from the business transaction to a beneficiary group

chosen by the user and distributes the predetermined benefit and provides the provider with a receipt.

By comparison, Burke is directed toward a method and system to create and distribute excess funds from user spending transactions. In Burke, a user selects merchandise from a store to purchase. The user takes the merchandise to a clerk who totals up the price of all the merchandise. Next the user offers the clerk either the exact amount of cash or a sum exceeding the price. If the money offered the clerk exceeds the price, the user may, if he or she wishes, choose to receive the change or to donate or deposit all or a portion of the change. (See column 5, lines 54-67) At no time does the user in Burke utilize an Internet or other computer-based data processing and communications system to locate a provider, purchase a good or service, or obtain information from the provider, and then have a portion of the predetermined benefits from the transaction directed to a beneficiary group. Furthermore, Burke distributes excess funds from user spending. It is the user's choice to tender more than the merchandise is worth and then direct that the excess funds to be sent to a charity or be stored in the user's account. By comparison, the present invention allocates and distributes a percentage of the predetermined price of goods or services of a transaction and/or a fixed fee to a user selected beneficiary or group, for the user's meeting of a provider-specified condition e.g., purchase, site visit, request for information). The benefit allocated to the beneficiary or beneficiary group is predetermined and paid out of the value tendered to the merchant via the Internet (EFT), and not out of the "change" due to the customer as a result of excess cash or credit tendered to the merchant at the point of sale.

Therefore, Applicants' invention, as claimed in newly added independent claims 231 and 255 are different than the cited prior art in that in the present invention is a system or method that utilizes the Internet to close the transaction and EFT to facilitate the distribution of the predetermined benefits, if any, of the transaction, to the provider, to the beneficiary, to the service entity, and to an information server.

Rejections Under 35 U.S.C. § 103(a)

The Office Action has rejected claims 126-128, 178-179, 207-208, 211-212, 215-216, 219-220, 225-226 and 229-230 under 35 U.S.C. § 103(a) as being unpatentable over Burke (US Patent No. 6,112,191) in view of Ferguson et al. (U.S. Patent No. 5,819,092).

Claims 126-128, 178-179, 207-208, 211-212, 215-216, 219-220, 225-226 and 229-230 have been deleted. As such, the rejections based on 35 U.S.C. § 103(a) are now moot. As described above, newly added independent claims 231 and 255 are not obvious in view of the fact that Burke and Ferguson fails to teach or suggest the deficiencies of Burke.

Conclusion

In view of the above, Applicants respectfully request allowance of independent claim 231 and 255 and subsequently claims 232-254 and 256-278 which depend therefrom. If the Examiner believes that a telephone conference with Applicants' representative might expedite prosecution of the application, she is cordially invited to call at the number listed below.

Respectfully submitted,

Dated: 6/30/05

By: Heidi Eisenhut  
Heidi L. Eisenhut  
Attorney for Applicant  
Registration No. 46,812

GORDON & REES LLP  
101 West Broadway, Suite 1600  
San Diego, CA 92101  
Telephone: (619) 696-6700  
Facsimile: (619) 696-7124

Docket No. GCGL 1033495